

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT A. COONS and
RAEANDA J. COONS,

Plaintiffs,

V.

CITIMORTGAGE, INC.,

Defendant.

[illegible]

Case No. 4:11-cv-01655

Hon. Judge Stephen N. Limbaugh, Jr.

CITIMORTGAGE, INC.'S MOTION TO FILE DOCUMENTS UNDER SEAL

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and Local Rule 13.05, Defendant CitiMortgage, Inc. (“Citi”) hereby moves for leave to file certain exhibits in support of its contemporaneously filed Motion for Partial Summary Judgment either under seal or in partially redacted form. For the reasons set forth in this motion, there is good cause to redact or seal the documents because the information at issue – (1) Citi’s confidential and proprietary business information, and (2) Plaintiffs’ sensitive personal financial information – may cause irreversible harm if publicly disclosed. For this reason, Citi respectfully requests that the Court enter an order permitting Citi to seal and/or redact such information from the public record.

1. Citi's Confidential Business Information

Citi seeks to seal Exhibits 4, 8, 9 and 14 to its contemporaneously filed Motion for Partial Summary Judgment as these materials contain Citi's sensitive business information that, if publicly disclosed, could put Citi at a competitive disadvantage. This Court has recognized that it "may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense[.]" *E.g., Criswell v. City of O'Fallon, Mo.*, 2008 WL 2206391, at *2 (E.D. Mo. May 23, 2008) ("It is clearly within the authority of this Court to seal the record[.]"); see also *Boyce v. Moberly Public School Dist.*, 2007 WL 1378427, at *2 (E.D. Mo. May 7, 2007) ("Federal Rule of Civil Procedure 26(c) authorizes federal district courts to seal or otherwise deny public access to documents or proceedings.")

Citi seeks to seal screenshots taken from its proprietary data management systems. These confidential, sensitive systems were developed by Citi to aid in the operation of its business. Public disclosure of this information would give an unfair advantage to Citi's business competitors. Moreover, screenshots of Citi's data management system, if made publicly available, could be improperly used by third parties who seek to gain access to Citi's internal systems. Accordingly, there is good cause to seal these documents. *IDT Corp. v. eBay*, 709 F.3d 1220, 1223-24 (8th Cir. 2013) (finding that sealing was warranted to protect company's "confidential and competitively sensitive information"); *In re Iowa Freedom of Info. Council*, 724 F.2d 658, 664 (8th Cir. 1983) (district court properly sealed transcript where the "pages in question did contain trade secrets, the

revelation of which to competitors would do considerable damage to [company's] business and property.”)

In addition, these exhibits also reflect Plaintiffs’ sensitive financial information which, as discussed below, provides an additional basis for sealing these materials.

2. Non-Party Personal Information

Citi also seeks to redact or seal¹ Exhibits 6, 7 and 12 to its contemporaneously filed Motion for Partial Summary Judgment as these materials contain Plaintiffs’ sensitive and private information. This information includes home addresses, phone numbers, social security numbers, account numbers and tax documents. Such information is protected from disclosure by, *inter alia*, Rule 5.2 of the Federal Rules of Civil Procedure, 26 U.S.C. § 6103 (preserving confidentiality of information provided on tax returns), and 15 U.S.C. § 6801(a) (the Gramm-Leach-Bliley Act, establishing that “each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and protect the security and confidentiality of those customers’ nonpublic personal information.”). The public disclosure of such information could harm Plaintiffs by allowing improper use by others of sensitive, personal, identifying information. Accordingly, there is good cause to redact and/or seal these documents.

3. Summary of Relief Requested

The chart below lists the materials for which the above-requested relief is sought, provides a brief description of the document, and the relief requested (*i.e.* seal or

¹ To the extent this information can be protected from public disclosure by redacting, rather than sealing, the document, Citi seeks to do so.

redaction). Citi includes, as exhibits to this motion, the documents for which such relief is requested:

DOCUMENT	DESCRIPTION	RELIEF
Exhibit A (MSJ Ex. 4)	Screenshots from Citi's proprietary computer systems.	SEAL
Exhibit B (MSJ Ex. 6)	Plaintiffs' financial documents. <i>NOTE:</i> proposed redactions are reflected in a red outline around the materials sought to be redacted.	REDACT
Exhibit C (MSJ Ex. 7)	Plaintiffs' financial documents.	SEAL
Exhibit D (MSJ Ex. 8)	Screenshots from Citi's proprietary computer systems.	SEAL
Exhibit E (MSJ Ex. 9)	Screenshots from Citi's proprietary computer systems.	SEAL
Exhibit F (MSJ Ex. 12)	Plaintiffs' financial documents.	SEAL
Exhibit G (MSJ Ex. 14)	Screenshots from Citi's proprietary computer systems.	SEAL

CONCLUSION

For the reasons stated above, Defendant CitiMortgage, Inc. respectfully requests that the Court enter an order permitting Citi to file Exhibits 4, 6, 7, 8, 9, 12 and 14 to its contemporaneously filed Motion for Summary Judgment under seal or in redacted form.

Dated: September 30, 2019

Respectfully Submitted,

By: /s/ Debra Bogo-Ernst
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies of this document and its exhibits were sent, via UPS overnight delivery, to the address reflected below:

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